IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 683 OF 2003

IN

SUMMARY SUIT NO. 1752 OF 2003

Hemlata Mulraj Jasani .. Plaintiff

versus

Rashmin D. Visharia .. Defendant

...

Mr.H.V. Chande for the plaintiff.

None for the defendant

CORAM : D.G. KARNIK,J.

DATED : 20th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant.

2. Affidavit of service, Summons for Judgement dated 19th April 2005 tendered by the learned Advocate for the plaintiff is taken on record and marked Exhibit-A.

3. Despite service of Summons for Judgement, the

defendant has not applied for leave to defend nor filed any affidavit in reply in the Court. The learned counsel for the plaintiff states that though the advance copy of the proposed affidavit in reply was served on him, no reply has been filed in the Court.

4. I have perused the plaint and the documents filed on record. The plaintiff advanced to the defendant a loan of Rs.50,000/- who executed a promissory note. The original promissory note is filed on record. The plaintiff issued a notice of demand to the defendant on 21st May 2003. Office copy of the notice is produced on record. In the absence of any application for leave to defend or affidavit in reply, averments made in the plaint are deemed to be accepted and the plaintiff is entitled to a decree under Order 37 Rue 3(6) of the Code of Civil Procedure.

5. Summons for Judgement is made absolute and the suit of the plaintiff is decreed in terms of prayer clause of the plaint.

6. Issue court fee refund as per rules.

D.G. KARNIK, J